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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,499

09/19/2003

Peter K. DeGabriele

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EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/666,499	Applicant(s) DEGABRIELE ET AL.	
	Examiner Philip Gabler	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Trulaske (US Patent Number 5584547). Trulaske discloses a storage cabinet wherein: said cabinet includes first and second side walls (32), top and bottom walls (18) and (38), a vertically adjustable door (14), a door hinge (24) and a spacer panel (16); said side walls each includes a height, a length, a forward edge and a rear edge; said top and bottom walls each includes a length and a width; said top and bottom walls are attached to said side walls along a portion of the length of said side walls, the lengths of said top and bottom walls being less than the lengths of said side walls; said spacer panel is attachable to said side walls adjacent to either said top wall or to said bottom wall as a function of which of said top wall and bottom wall is in the vertically lowest location or whether the cabinet will be opened in a left hand or a right hand format; said door is attached to one of said side walls at a vertical position which location is function of the placement of said spacer or whether the storage cabinet will be opened in a left hand or a right hand format; and said door hinge is attached to said door and attachable to said one of said side walls. [It is viewed that, while not shown by Trulaske, the

cabinet could be disposed in an inverted position and the spacer panel could be disposed at various locations on the cabinet. Inverting the cabinet would allow opening in a left hand or right hand format as desired by a user.]

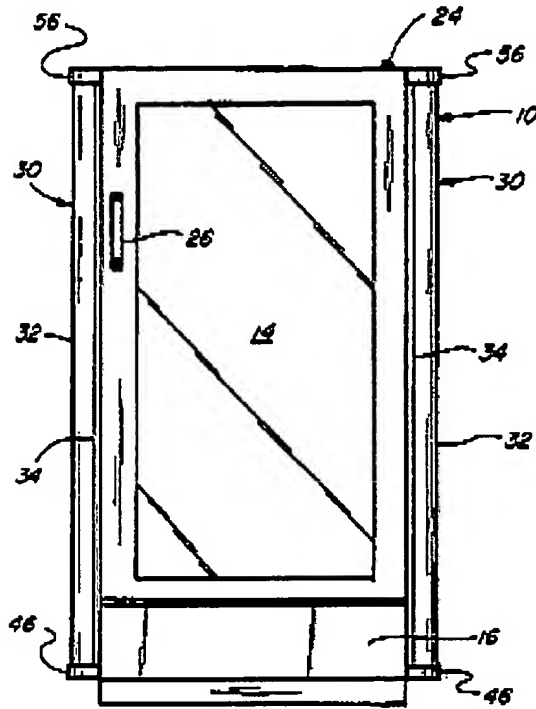


Fig. 1

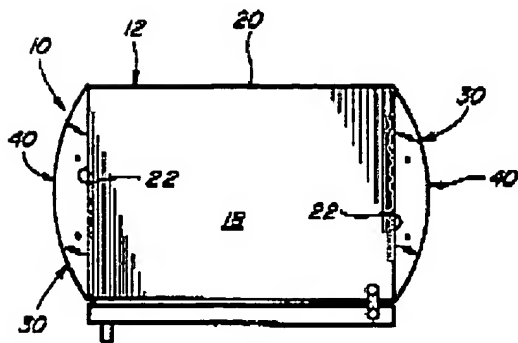


Fig. 2

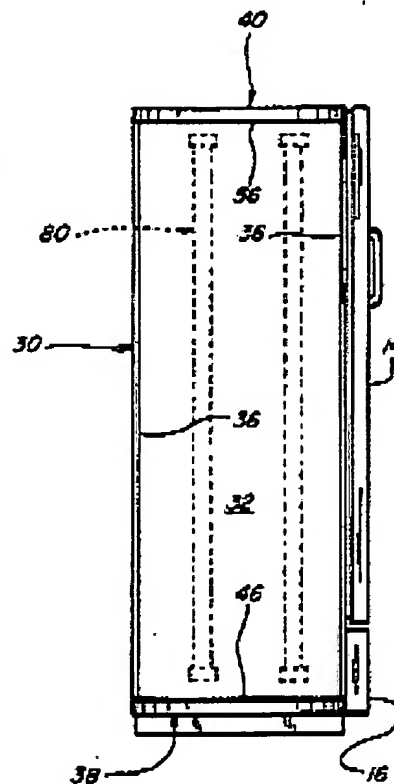


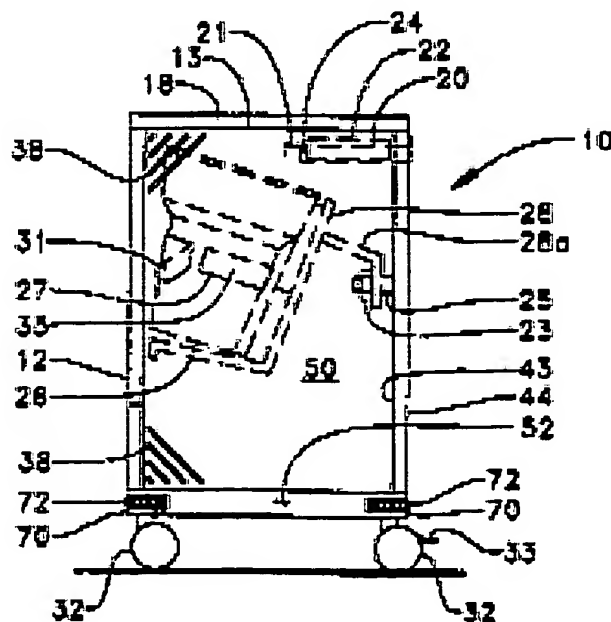
Fig. 3

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

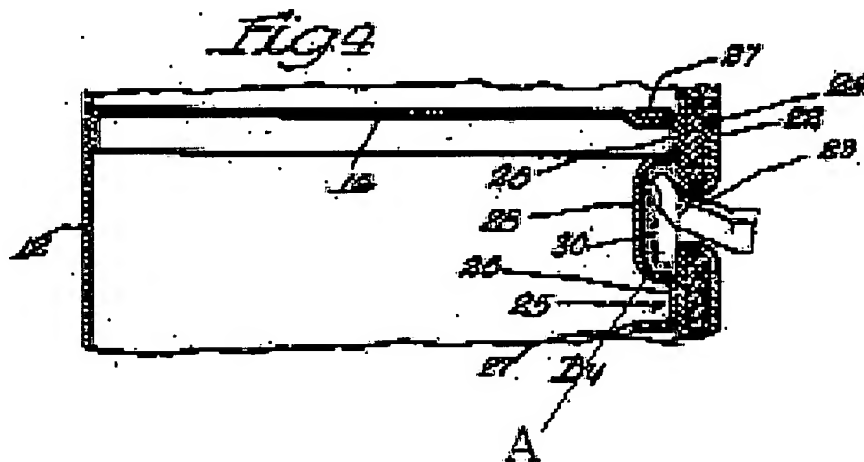
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Coonan (US Patent Number 5758935). Trulaske discloses a cabinet as recited in claim 1, but does not include a set of casters. Coonan discloses a computer workstation including a set of casters (32) attached to the bottom wall (52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include a set of casters as taught by Coonan to facilitate movement of the cabinet.



Coonan '935 Figure 5

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Davidson (US Patent Number 2653851). Trulaske discloses a cabinet as recited in claim 1, but does not include a slanted edge on the forward edge of the side wall. Davidson discloses a cabinet with a slanted edge (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include a slanted edge on the forward edge of the side wall to facilitate the operation of a door as taught by Davidson.



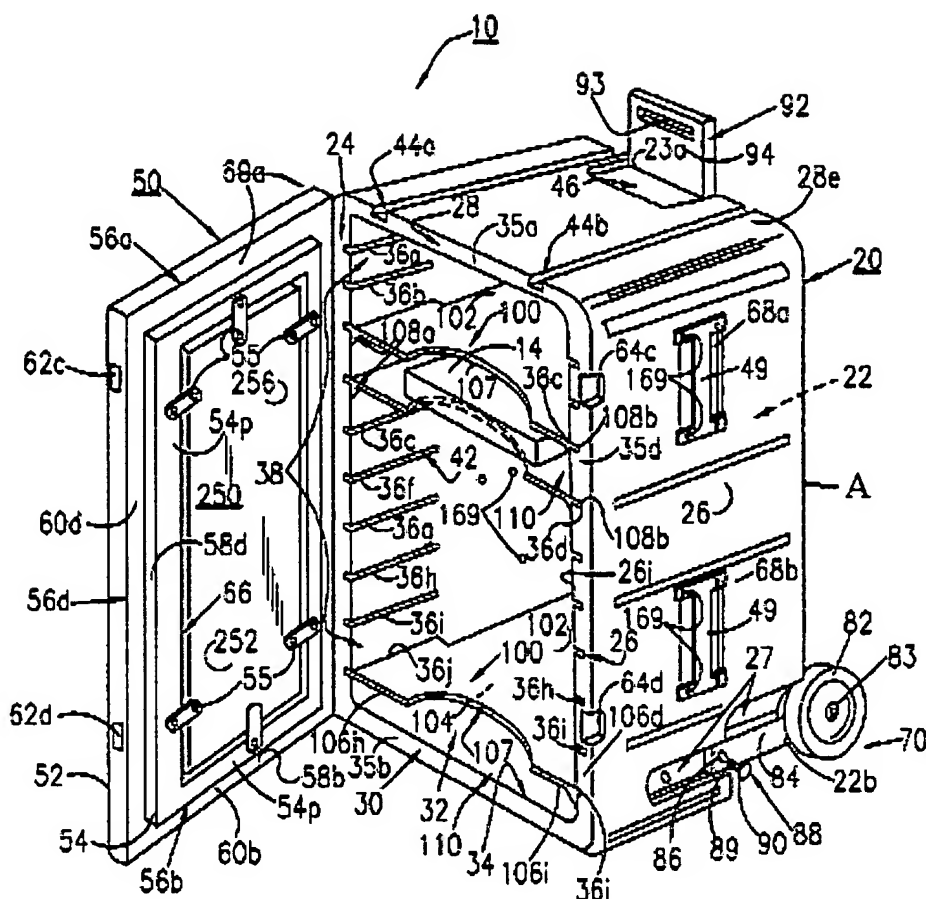
Davidson '851 Figure 4

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Coonan (US Patent Number 5758935) and Davidson (US Patent Number 2653851). Trulaske discloses a cabinet as recited in claim 1, but does not include a set of casters or a slanted edge on the forward edge of the side wall. Coonan discloses a computer workstation including a set of casters (32) attached to the bottom wall (52),

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and Davidson discloses a cabinet with a slanted edge (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include a set of casters and a slanted edge on the forward edge of the side wall as taught by Coonan and Davidson to facilitate movement of the cabinet and the operation of a door.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Clegg (US Patent Number 6520514). Trulaske discloses a cabinet as recited in claim 1, but does not include a recess in the rear edge of the side wall not attached to the door. Clegg discloses a filing case (10) with a recess (27) formed in the rear edge (A) of its side wall (26) not attached to its door (50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include a recess as taught by Clegg for wires, etc.



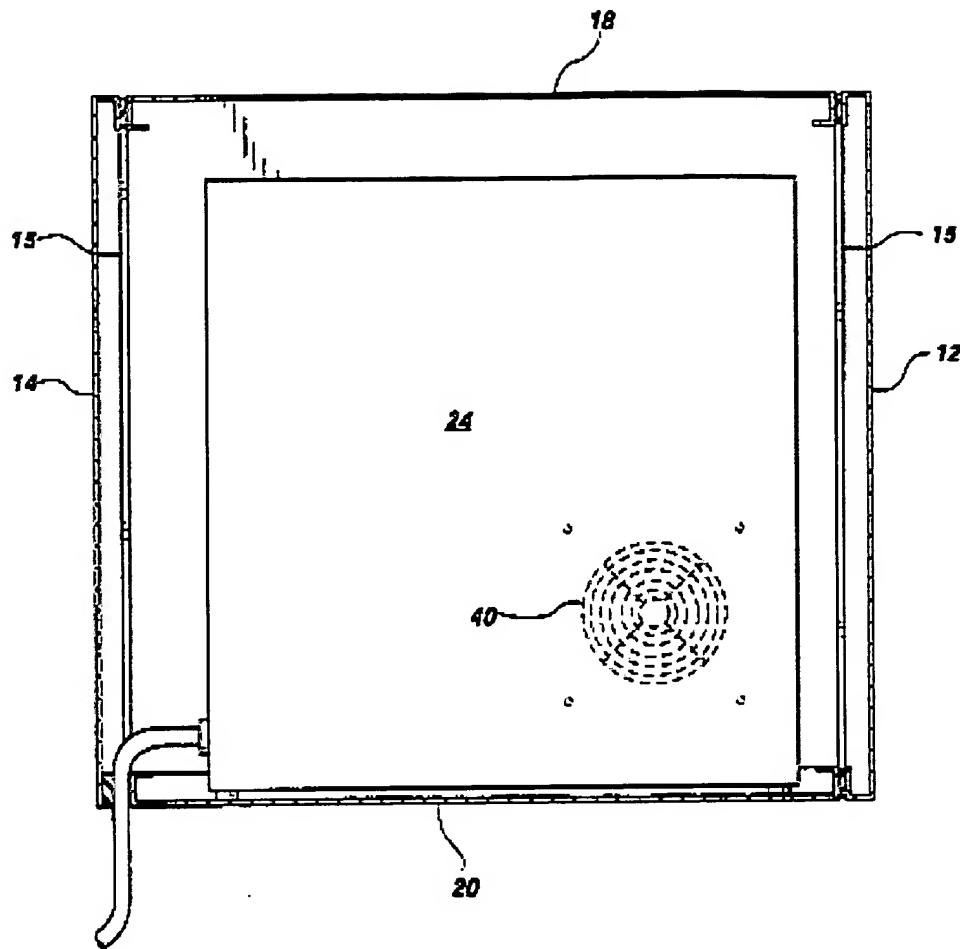
Clegg '514 Figure 1

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Coonan (US Patent Number 5758935), Davidson (US Patent Number 2653851), and Clegg (US Patent Number 6520514). Trulaske discloses a cabinet as recited in claim 7 when modified by Coonan and Davidson as explained above, but does not include a recess in the rear edge of the side wall not attached to the door. Clegg discloses a filing case (10) with a recess (27) formed in the rear edge (A) of its side wall (26) not attached to its door (50). It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet, combined with the Coonan and Davidson modifications, to include a recess as taught by Clegg for wires, etc.

9. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Gianelo (US Patent Number 6589308). Trulaske discloses a cabinet as recited in claim 1, but does not include an air grille attached to the side wall or a back panel forming a rear opening. Gianelo discloses a computer cabinet including an air grille (40) attached to the side wall (24), and a back panel (12) forming a rear opening (15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Trulaske's cabinet to include an air grille and a rear opening as taught by Gianelo for ventilation of and access to the device stored in the cabinet.



Gianelo '308 Figure 3

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trulaske in view of Coonan (US Patent Number 5758935), Davidson (US Patent Number 2653851), Clegg (US Patent Number 6520514), and Gianelo (US Patent Number 6589308). Trulaske discloses a cabinet as recited in claim 8 when modified by Coonan, Davidson, and Clegg as explained above, but does not include an air grille attached to the side wall or a back panel forming a rear opening. Gianelo discloses a computer cabinet including an air grille (40) attached to the side wall (24), and a back

panel (12) forming a rear opening (15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Trulaske's cabinet, as modified by Coonan, Davidson, and Clegg, to include an air grille and a rear opening as taught by Gianelo for ventilation of and access to the device stored in the cabinet.

Response to Arguments

11. Applicant's arguments, see the first page of the remarks, filed 20 March 2006, with respect to the objections to the specification and the drawings have been fully considered and are persuasive. The objections to the specification and the drawings have been withdrawn.

12. The remainder of Applicant's arguments filed 20 March 2006 have been fully considered but they are not persuasive. Trulaske's cabinet, while not shown by Trulaske, could be disposed in an inverted position and the spacer panel could be disposed at various locations on the cabinet. Further, the front door is placed at a vertical position which location is a function of the placement of the spacer as it is clearly meant to be flush with the spacer and is accordingly limited in its placement by the position of the spacer. Finally, Trulaske's door is capable of operating in a right or left format by simply inverting the cabinet (as is the case with Applicant's invention).

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

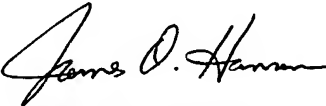
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG *16*
5/2/2006


JAMES O. HANSEN
PRIMARY EXAMINER